IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 18TH OCTOBER 2007 / 26TH ASWINA 1929

Bail Appl..No. 6303 of 2007()

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CRIME NO.288/07 OF CHERANELLOOR POLICE STATION

PETITIONER/ACCUSED NO2

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ROMAL, S/O LATE MANNUEL,
AGED 21 YEARS, RESIDING AT
VARIYATH, KANDANADU, KOTHAD,
ERNAKULAM.

BY ADV. SRI.K.R.VINOD

RESPONDENTS:

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STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 18/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**R. BASANT, J.**

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**B.A. NO. 6303 of 2007**

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**Dated this the 18th day of October, 2007**

**ORDER**

Application for regular bail. The petitioner faces allegations under Sec.397 of the IPC. He along with the two others had allegedly hired an autorikshaw on the night of 27/8/07. They had allegedly attacked the autorikshaw driver and robbed him of cash and valuables in his possession. The autorikshaw was also allegedly taken away forcibly by the miscreants. The petitioner was arrested on 29/8/07. The petitioner continues in custody from that date.

2. An earlier application filed by the petitioner was dismissed by this Court as per the order dated 25/9/07 in B.A.No.5770/07. The facts have been considered in detail in the said order. I am hence not adverting to the facts in any greater detail in this order. This order must be read in continuation of the said order.

3. The learned counsel for the petitioner prays, the

learned Public Prosecutor does not oppose the said prayer and I am satisfied that the petitioner can now be enlarged on bail subject to appropriate and strict conditions. The learned Public Prosecutor hastens to submit that the prosecution is taking such a stand so far as the petitioner is concerned considering his young age i..e, 21 years and the fact that he has no criminal antecedents. The learned Public Prosecutor submits that this may not be reckoned as a sufficient reason to justify the claim for grant of bail to the co-accused who have questionable criminal antecedents:

3. **In the result:**

(a) The application is allowed.

(b) The petitioner shall be released on bail on the following terms and conditions:

(i) The petitioner shall execute a bond for Rs.50,000/- with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(ii) The petitioner shall make himself available for

interrogation before the Investigating Officer on all Mondays, Wednesdays and Fridays between 10 a.m. and 12 noon until the final report is filed.

**(R. BASANT, JUDGE)**

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